

AGENDA ITEM SUMMARY

WORK SESSION DATE: June 21, 2011

AGENDA ITEM TITLE: Redistricting

STAFF RESPONSIBLE: Janice K. Vos Caudill, County Clerk and Recorder
Dwight K. Shellman III, Election Manager

ISSUE STATEMENT: To provide the Board with an overview of the applicable legal requirements of and deadlines for a) modifying Pitkin County's existing five county commissioner districts based on 2010 census data and b) possible modifications to certain voting precincts that the Clerk may recommend in the future.

BACKGROUND: Colorado law requires the Board to review and modify existing county commissioner districts so that each district contains equal population to the extent practicable. In addition, the Clerk is required to recommend the establishment of voting precincts. Mary Lackner of GIS has loaded the 2010 census block data into GIS and has generated maps depicting two options for redistricting of the county, which are attached as exhibits. In addition, the Clerk may propose modification of certain voting precincts. Maps depicting these possible proposals are also attached for the Board's review.

LINK TO STRATEGIC PLAN: Organizational Excellence – The community depends on Pitkin County to be responsible stewards of the public trust. Pitkin County will do everything responsible within its means to utilize public resources efficiently, ethically and intelligently.

KEY DISCUSSION ITEMS:

1. Legal Requirements and Deadlines Applicable to Redistricting of County Commissioner Districts

2. Legal Requirements and Deadlines Applicable to Voter Precinct Redistricting

BUDGETARY IMPACT: None. The work required will be performed by existing county staff and is included in 2011 departmental budgets.

RECOMMENDED BOCC ACTION: None at this time; for information purposes only.

ATTACHMENTS: Redistricting Memorandum with attached Exhibits A-F.

REDISTRICTING

A. BOCC Districts

1. Home Rule Charter Requirements. Pitkin County has five Board of County Commissioner districts. Pitkin County Home Rule Charter (“HRC”) § 2.1. While county commissioners are elected at large, both incumbents and prospective candidates for office are required to reside in their respective residential district for at least one year prior to their election and throughout their terms of office. HRC §§ 2.1, 2.2, 2.3. Commissioner districts “shall be established by the Board in accordance with law.” HRC § 2.3.2.
2. State Law Requirements. Under state law, the Board of County Commissioners is required to establish, revise or alter the commissioner districts after each federal census “to assure that such districts shall be as nearly equal in population as possible....” C.R.S. § 30-10-306(4).
 - a. 5% Deviation: Although not strictly applicable to county commissioner districts, state law permits a maximum “five percent deviation between the most populous and least populous district in each house” of the state legislature. Colo. Const. art. V, § 46. The Pitkin County Board of County Commissioners historically has adopted this same permissible deviation in establishing commissioner districts.
 - b. Deadline for Establishing Commissioner Districts: County commissioner districts must be established by September 30, 2011. C.R.S. § 30-10-306(4).
3. Current Population of Existing Districts. The 2010 Census determined that Pitkin County’s population is 17,148. Therefore, each of the five commissioner districts ideally should have a population of 3,429 ($17,148 \div 5$), and application of the 5% deviation standard yields an acceptable population range of 3,258-3600 per district. The current configuration of the districts does not satisfy these criteria:

District	2010 Population	Deviation from Ideal Population (3,429)
1	2,456	Under 973
2	3,016	Under 413
3	4,484	Over 1,055
4	3,979	Over 550
5	3,213	Under 216

4. Redistricting Options. GIS Manager Mary Lackner has geocoded and loaded the 2010 census block data into the GIS mapping software. In addition, Mary has preliminarily identified and mapped two options for redistricting that will substantially comply with the equal population requirement, plus or minus five percent. Mary has prepared the following materials for the Board's consideration, all of which are attached as Exhibits:

Exhibit A	BOCC Redistricting Option A
Exhibit B	BOCC Redistricting Option B
Exhibit C	Summary of changes from existing precincts

Options A and B are presented because they are the most obvious, and in an effort to begin the redistricting dialogue between the Board, GIS and election staff, and members of the public. They are not intended to represent the entire universe of redistricting solutions, as there may well be other solutions. GIS and election staff believe this is a good place to start.

B. Voting Precincts

1. General Considerations. Subject to approval by the Board of County Commissioners, the County Clerk and Recorder "shall divide the county into as many election precincts for all general, primary and congressional vacancy elections as is convenient for the eligible electors of the county, and shall designate the place for each precinct at which elections are to be held." C.R.S. § 1-5-101(1).

2. Precinct Criteria.

a. Population: Precincts are established for the convenience of voters and therefore are not required to have equal populations. However, the Election Code of 1992 imposes a maximum number of registered electors that can be included within a precinct, depending on the type of voting system deployed in the county.

i. Pitkin County's Voting System: The Diebold voting equipment utilized by Pitkin County constitutes an "electronic" and "electromechanical" voting system, as those terms are defined in C.R.S. § 1-1-104(13.5) and (15.5).

ii. Maximum Active Electors/Precinct: Subject to approval by the Board of County Commissioners, the Clerk and Recorder is required to

establish at least one precinct for every 1,500 active eligible voters, but may with approval of the Board of County Commissioners establish one precinct for every 2,000 active eligible electors. C.R.S. § 1-5-101(3).

b. Voter Count in Existing Precincts: Presently, each of Pitkin County's 10 precincts has substantially fewer than the maximum number of active electors allowed by state law. The number of active voters in each precinct is depicted in the following table, and the configuration of the existing precincts is depicted in the GIS map attached as Exhibit D.

Precinct	Polling Place	Active Voters
01	Rio Grande Meeting Room	790
02	St. Mary's Church	704
03	The Common House	689
04	Crossroads Church	830
05	Schultz Health & Human Svcs	916
06	Snowmass Village Town Hall	1092
07	Colorado Mountain College	902
08	Old Snowmass Fire Station	533
09	St. Peter's, Basalt	672
10	Church at Redstone	547
Total		7,675

3. Two Possible Precinct Boundary Changes. The Clerk believes that minimizing changes to voting precincts will also minimize the inevitable voter confusion caused by the changes to congressional, state senate and house, and board of county commissioner districts. Although all of Pitkin County's voting precincts have active voter counts well below the statutory maximum, the Clerk may nevertheless recommend the Board adopt several precinct boundary changes. A formal recommendation is not being made at this point because, as explained in the paragraphs below, precinct boundaries cannot be definitively established until after the state legislative districts are established, the deadline for which is January 12, 2012. The Clerk wants to alert the Board to these possible changes now, if only to begin an appropriate dialogue in the community:

a. Move the Portion of Precinct 7 that is within the City of Aspen into Precinct 5: A small sliver of existing Precinct 7, consisting of residence addresses on Pass Go Lane in Burlingame, is inside the Aspen city limits. Moving this territory into Precinct 5 and adjusting the boundaries accordingly will simplify

the conduct of Aspen's municipal elections. Such an adjustment will result in moving approximately 60 active electors from Precinct 7 to Precinct 5 (40 active plus 20 inactive). Exhibits D (City of Aspen City Limits and Precinct Boundaries) and E (detail of Pass Go Lane) depict this proposal.

b. Redraw the Precinct 3 Boundary to Include an Accessible Polling Place. State law requires the Board to designate a polling place within each voting precinct. C.R.S. § 1-5-101(1). The only public building for a polling place in Precinct 3 is the Common House. This facility does not comply with the accessibility requirements for polling places, and is not ideal in any event because it has inadequate parking and many electors report great difficulty in locating it due to lack of signage. The Clerk wants to consider and may propose redrawing the Precinct 3 boundary to encompass a facility more suitable as a polling place, such as the Red Brick Building. No voters reside at the Red Brick Building, and redrawing the precinct boundary in this fashion will not change any voter's voting precinct. Exhibit F depicts this modification.

4. Precinct Criteria

a. Natural and Artificial Boundaries: In establishing precinct boundaries, the Board of County Commissioners "shall take into consideration natural and artificial boundaries that meet the requirements of the United States bureau of the census." C.R.S. § 1-5-101(1).

b. District Boundaries: Changes in the precinct boundaries of a county "shall be made only within the district boundaries of each [state] representative and senatorial district." C.R.S. § 1-5-101(1). Therefore, Pitkin County cannot definitively determine new precinct boundaries until the Colorado Reapportionment Commission ("CRC") publishes a preliminary plan for reapportionment and redistricting of the state senate and house districts, conducts public hearings, and submits its final plan to the Colorado Supreme Court for review and approval. Colo. Const. art. V, §48 (e).

5. Deadlines and Timing Issues.

a. Deadline for Redistricting of State Legislative Districts The Colorado Constitution requires the Supreme Court to approve and transmit to the Secretary of State the Colorado Reapportionment Commission's final plan

establishing state house and senate districts not later than fifty-five days before Precinct Caucus Day in 2012. Colo. Const. art. V, §48 (e).

b. Deadline for Establishing New Precinct Boundaries. The Election Code requires new precincts to be established no later than 29 days before Precinct Caucus Day in 2012. C.R.S. § 1-5-103(1).

c. Precinct Caucus Day Will be Earlier. In 2012, Precinct Caucus Day most likely will be on March 6th.¹ This is two weeks earlier than 2010 due to the passage of Senate Bill 11-189, which was signed into law by Governor Hickenlooper on May 27, 2011. SB11-189 modified Colorado's election calendar to enable county clerks to more easily comply with a federal statute enacted in 2009, known as the Military and Overseas Voter Empowerment ("MOVE") Act. The MOVE Act requires all ballots to be mailed to overseas voters at least 45 days (rather than the prior 30 days) before a primary or general election with federal races. It was logistically difficult for clerks to comply with this new federal mandate because the 2010 election calendar placed the primary and general elections so close together.

i. The Primary Election will be Seven Weeks Earlier. Among numerous other changes to the election calendar, SB11-189 advances the date of the primary election from the second Tuesday in August (in 2012, August 14th) to the last Tuesday in June (in 2012, June 26th).

ii. Precinct Caucus Day will be Two Weeks Earlier. Advancing the date of the primary election also advances the date of Precinct Caucus Day, from the third Tuesday in March (in 2012, March 20th) to the first Tuesday in March (in 2012, March 6th).

d. The Bottom Line. The passage of SB11-189 yields the following deadlines pertinent to redistricting:

¹ It is possible but not likely that Precinct Caucus Day in 2012 will be on February 7, 2012. This is because, in presidential election years such as 2012, a political party may, by decision of its state central committee, hold its precinct caucus on the first Tuesday in February. Election staff has been advised by the Secretary of State's office that the national committees of the Democratic and Republican Parties have thus far directed their Colorado central committees not to hold precinct caucuses in February 2012, but the parties are free to change this decision. For this reason, this memo assumes that Precinct Caucus Day will be March 6th rather than February 7th. If the parties elect to hold earlier caucuses, each deadline for completing the various steps in the redistricting process described in paragraph B.5.d, below, will be advanced by approximately one month.

i. Deadline for CRC to Submit Final Reapportionment Plan to Supreme Court. Pursuant to Colo. Const. art. V, §48(e), the Colorado Reapportionment Commission must submit its plan for state senate and house districts to the Supreme Court by December 7, 2011, or ninety days before the new Precinct Caucus Day of March 6, 2012.

ii. Deadline for Supreme Court to Approve State Legislative Reapportionment. Pursuant to Colo. Const. art. V, §48(e), the Supreme Court must approve the Colorado Reapportionment Commission's plan on or before January 11, 2012, or fifty-five days before the March 6th Precinct Caucus Day. At this point, the state house and senate districts within Pitkin County should be definitely known, so that voting precincts can be adjusted accordingly.

iii. Deadline to Establish New Voting Precincts. Pursuant to CRS § 1-5-103(1)(a), Pitkin County's voting precincts must be established by Monday, February 6, 2012, or twenty-nine days before the March 6th Precinct Caucus Day.

e. Post-Redistricting Work. The process of redistricting does not end when the Board of County Commissioners establishes new commissioner districts and voting precincts. Rather, election staff must then review and revise Pitkin County's address library in the state voter registration database (SCORE) so that all electors are assigned to the proper precinct split and receive the proper ballots for the area in which they reside.

i. The Address Library. Pitkin County's address library in SCORE consists of 950 unique address ranges. SCORE utilizes this data behind the scenes to assign every elector to his or her proper election-related districts, voting precinct, and precinct split (the latter of which determines the style of ballot an elector is entitled to vote in any given election).

ii. Manual Modification. Once new congressional districts, state legislative districts, county commissioner districts and voting precincts are established, election staff likely will be required to review and modify every address range contained in the address library, to ensure they

comport to the boundaries of the new districts and precincts. This review and modification must be done manually, line-by-line.

iii. Time Required. Updating the address library is labor-intensive, detail-oriented and time-consuming, and will create no end of problems and mischief if done hastily or carelessly. Election staff estimates updating the address library will require between 80-160 man hours.

iv. Time Permitted. Under existing law, election staff conceivably could have only a single day to review and modify this critically important data. This is because the last day for establishing precincts is 29 days before Precinct Caucus Day. CRS § 1-5-103(1)(a). Yet, not later than the 28 days before Precinct Caucus Day, the Clerk and Recorder is required to provide party chairpersons with lists of registered voters affiliated with their parties for use at the precinct caucuses. CRS § 1-3-101(1)(a). These lists must show each voter's precinct, and thus cannot be generated until all locator data has been reviewed and modified in the statewide voter registration database.

v. Earlier is Definitely Better. This potential timing issue causes anxiety and consternation to the Clerk and Recorder and her staff. Therefore, the Board of County Commissioners is respectfully urged to approve new commissioner districts and voting precincts at the very earliest opportunity.

Pitkin County, Colorado

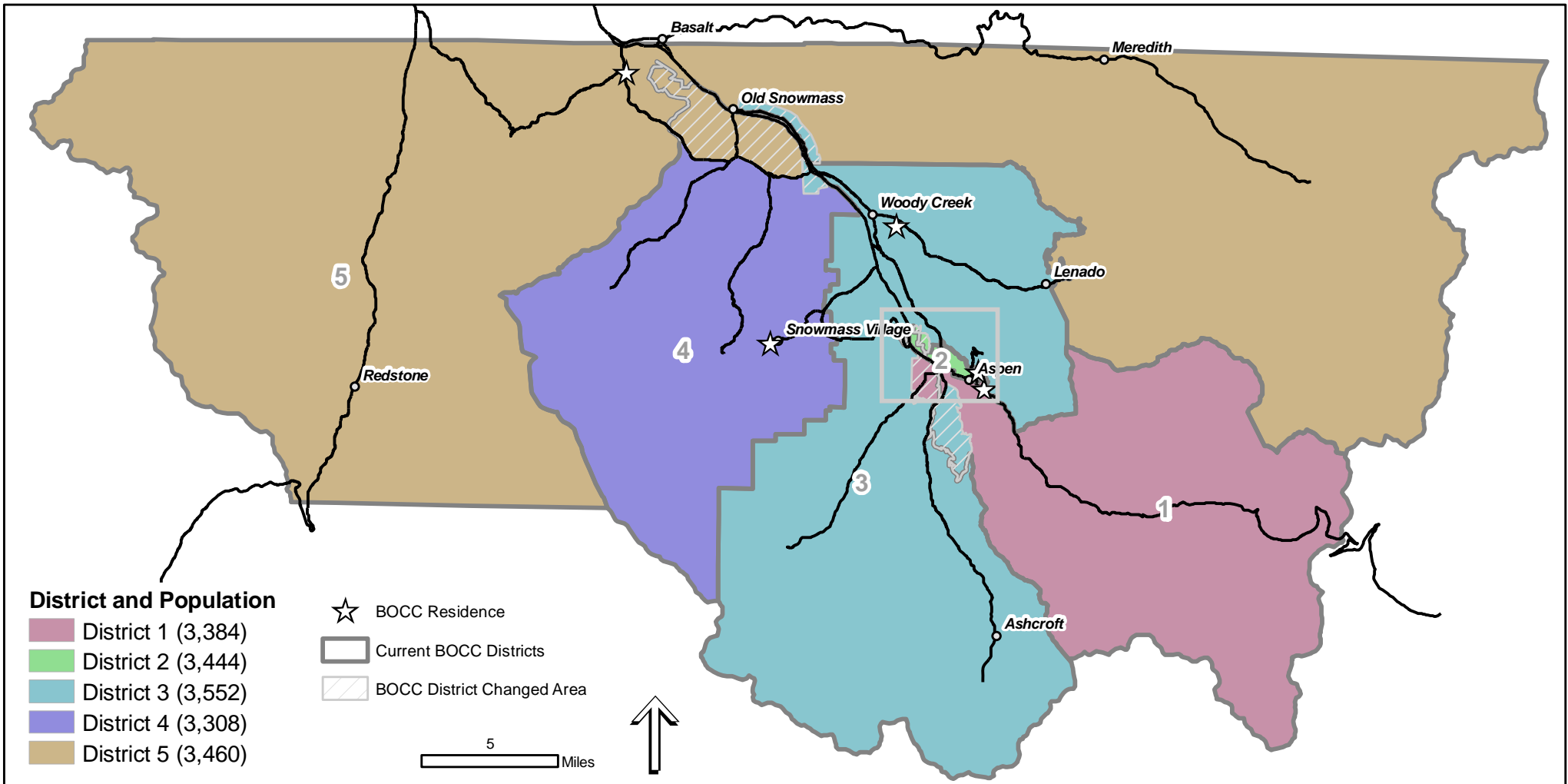
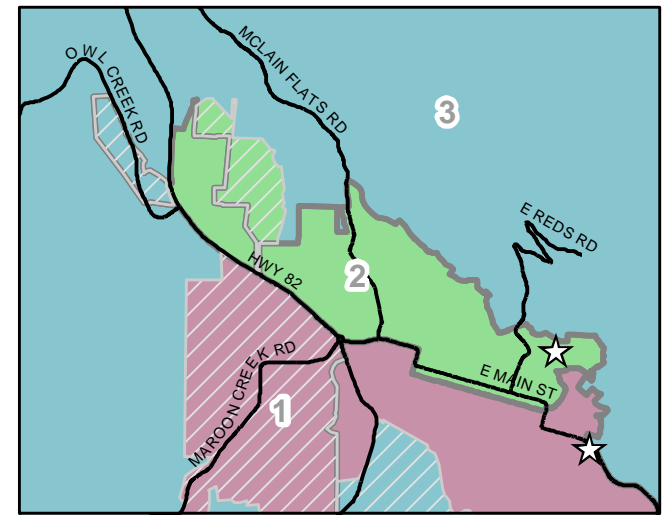
BOCC Districts

Option A

EXHIBIT A

Ideal population per BOCC district is 3,429 (+/- 5%)
Low population: 3,258
High population: 3,600

Map Prepared by: AspenPitkin GIS
June 10, 2011
Data Source: U. S. Census Bureau, Census 2010
Redistricting data (PL 94-171) and local Pitkin County data



Pitkin County, Colorado

BOCC Districts

Option B

EXHIBIT B

Ideal population per BOCC district is 3,429 (+/- 5%)
 Low population: 3,258
 High population: 3,600

Map Prepared by: AspenPitkin GIS
 June 10, 2011
 Data Source: U. S. Census Bureau, Census 2010
 Redistricting data (PL 94-171) and local Pitkin County data

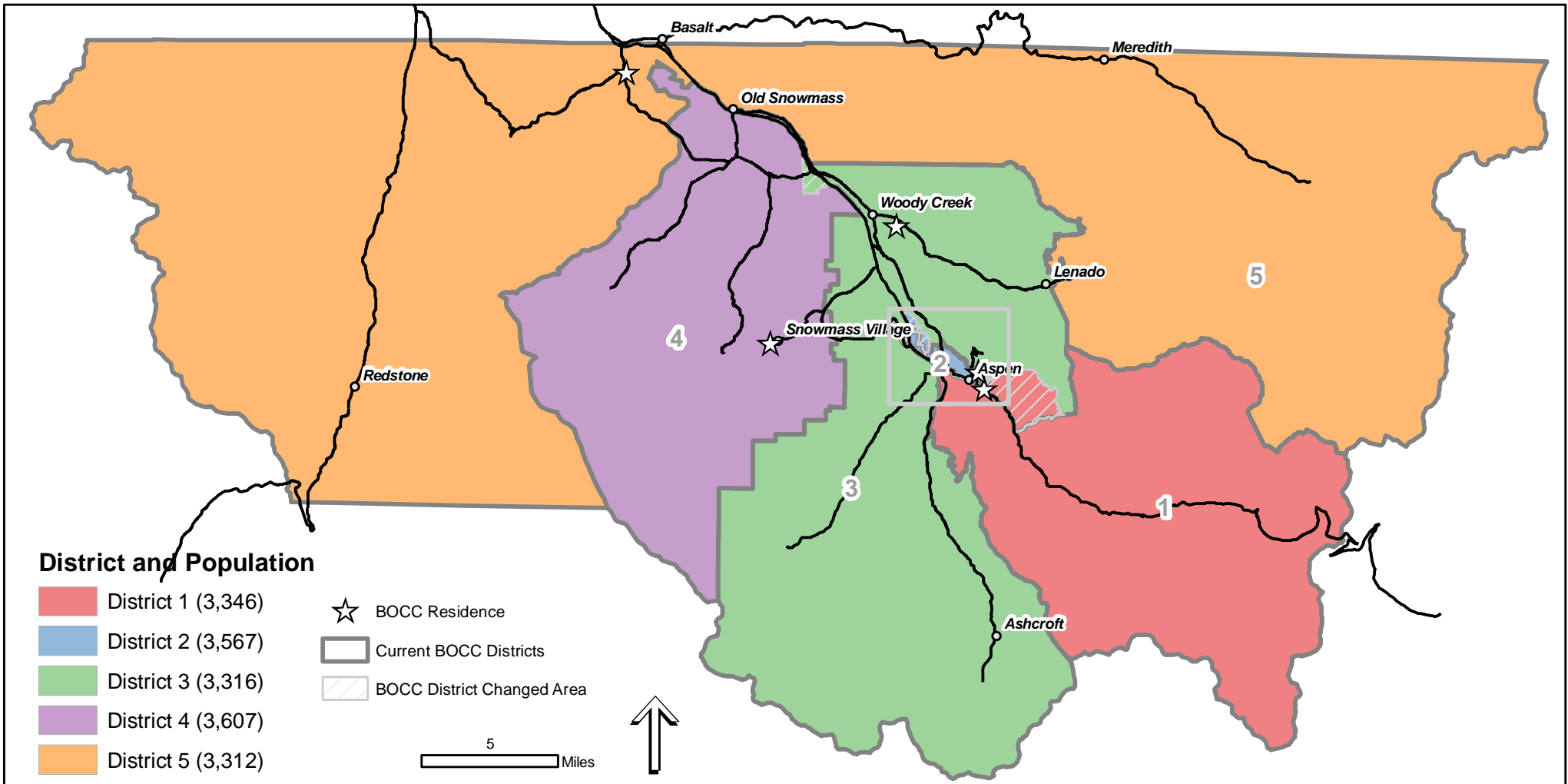
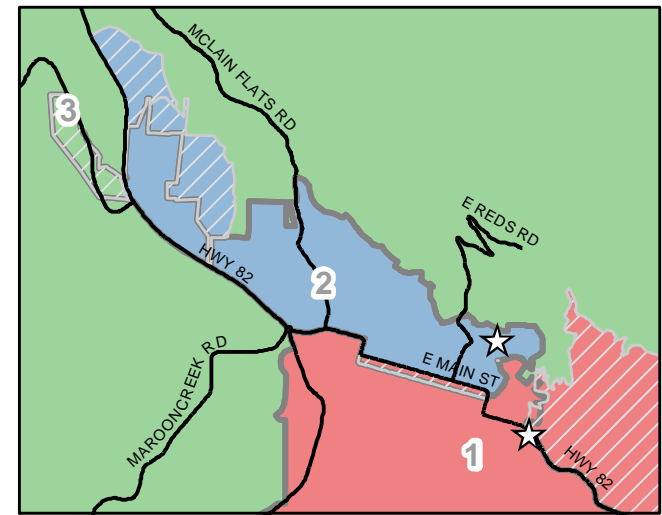


EXHIBIT C

Option A Summary of changes

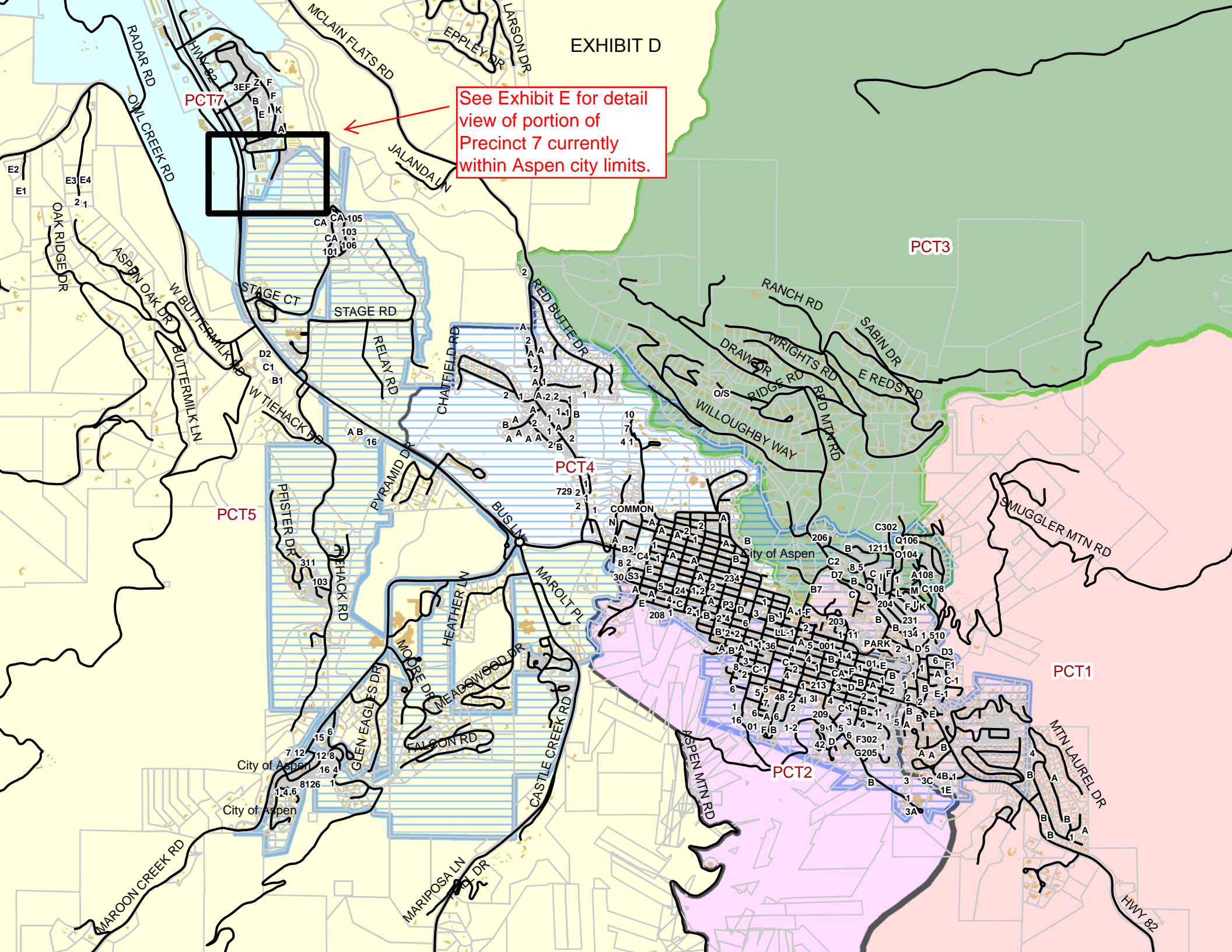
- BOCC 1 –
 - Added areas Moore, Highlands, Schools, Maroon Creek Club (previously 3) Population: 948
 - Removed Aspen Mtn Rd to Midnight Mine. Population: 20
- BOCC 2 –
 - Removed Burlingame de-annex area on W side of HWY 82. Population: 0
 - Added Burlingame (previously in 3). Population: 128
- BOCC 3 –
 - Removed Moore, Highlands, Schools, Maroon Creek Club Population: 948
 - Removed Burlingame. Population: 128
 - Added Burlingame de-annex area on W side of HWY 82 (previously in 2) Population: 0
 - Added Aspen Village and Gerbazdale. (previously in 4) Population: 372
 - Added Snowmass Canyon parcels E of Lower River Road (previously in 5) Population: 52
 - Added Aspen Mtn Rd to Midnight Mine Rd (previously in 1) Population: 20
- BOCC 4 –
 - Removed Lower Snowmass Creek Rd, Gateway to Snowmass, Old Snowmass From Watson Divide to Lower Snowmass Creek Rd. Population: 299
 - Removed Aspen Village and Gerbazdale. Population: 372
- BOCC 5 –
 - Added Lower Snowmass Creek Rd, Gateway to Snowmass, Old Snowmass From Watson Divide to Lower Snowmass Creek Rd. (previously in 4) Population: 299

Option B Summary of Changes

- BOCC 1 -
 - Added Mountain Valley, Eastwood, Knollwood, Aspen Grove, Snyder Park, Ardmore (previously in 3). Population: 503
 - Added properties from the S side of Main Street (previously in 2). Population: 239
- BOCC 2 -
 - Removed Burlingame de-annex area on W side of HWY 82. Population: 0
 - Removed properties from the S side of Main Street. Population: 239
 - Added Burlingame (previously in 3). Population: 128
 - Added AABC and North Forty (previously in 3). Population: 550
- BOCC 3 –
 - Removed Burlingame. Population: 128
 - Removed AABC and North Forty. Population: 550
 - Removed Snowmass Canyon along Lower River Rd. Population: 74
 - Removed Mountain Valley, Eastwood, Knollwood, Aspen Grove, Snyder Park, Ardmore. Population: 503
- BOCC 4 –
 - Removed Aspen Village and Gerbazdale. Population: 372
- BOCC 5 –
 - Added Snowmass Canyon along Lower River Rd. (previously in 3) Population: 74

EXHIBIT D

See Exhibit E for detail view of portion of Precinct 7 currently within Aspen city limits.



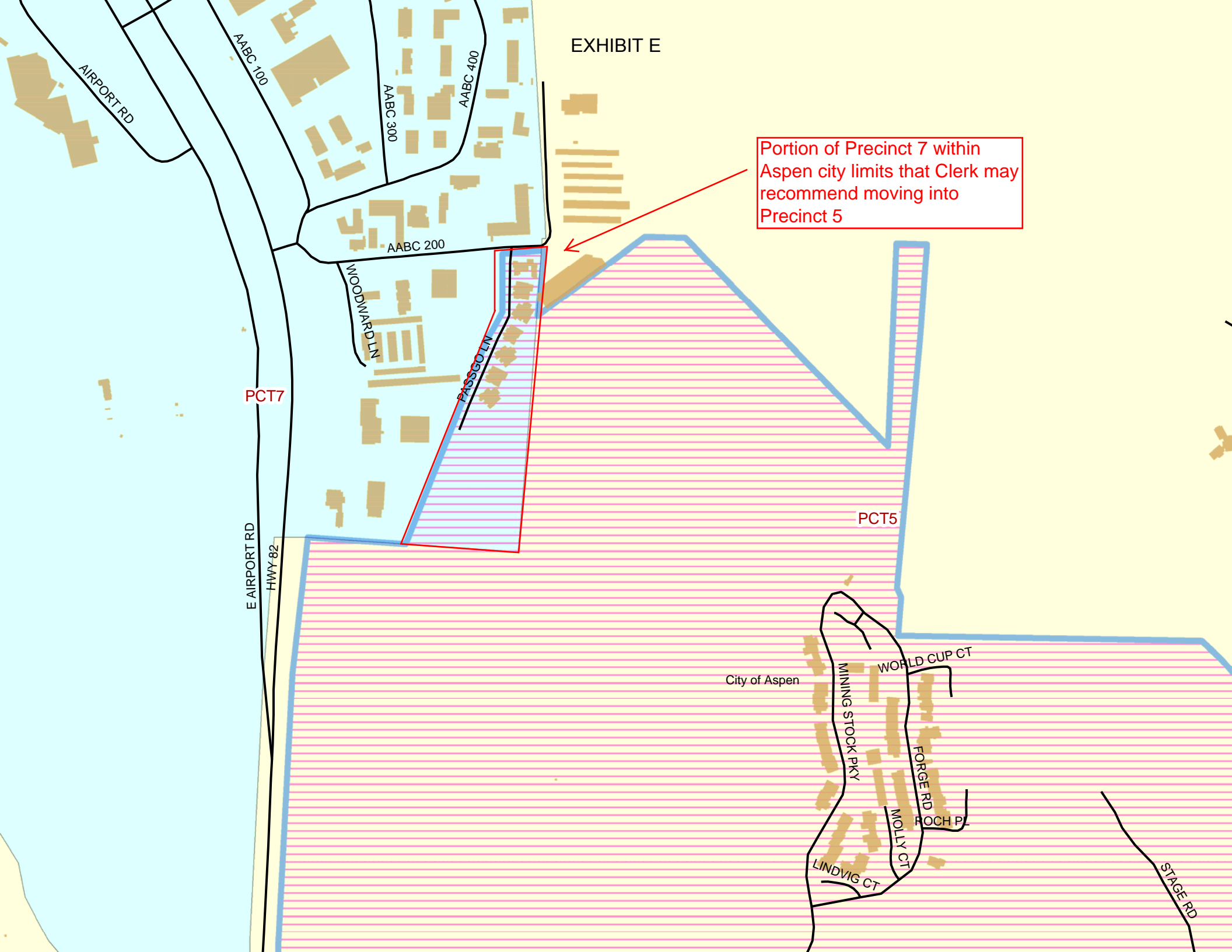


EXHIBIT E

Portion of Precinct 7 within Aspen city limits that Clerk may recommend moving into Precinct 5

PCT7

PCT5

City of Aspen

AIRPORT RD

AABC 100

AABC 300

AABC 400

AABC 200

WOODWARD LN

PASSGO LN

E AIRPORT RD

HWY 82

MINING STOCK PKY

WORLD CUP CT

FORGE RD

MOLLY CT

LINDVIG CT

STAGE RD

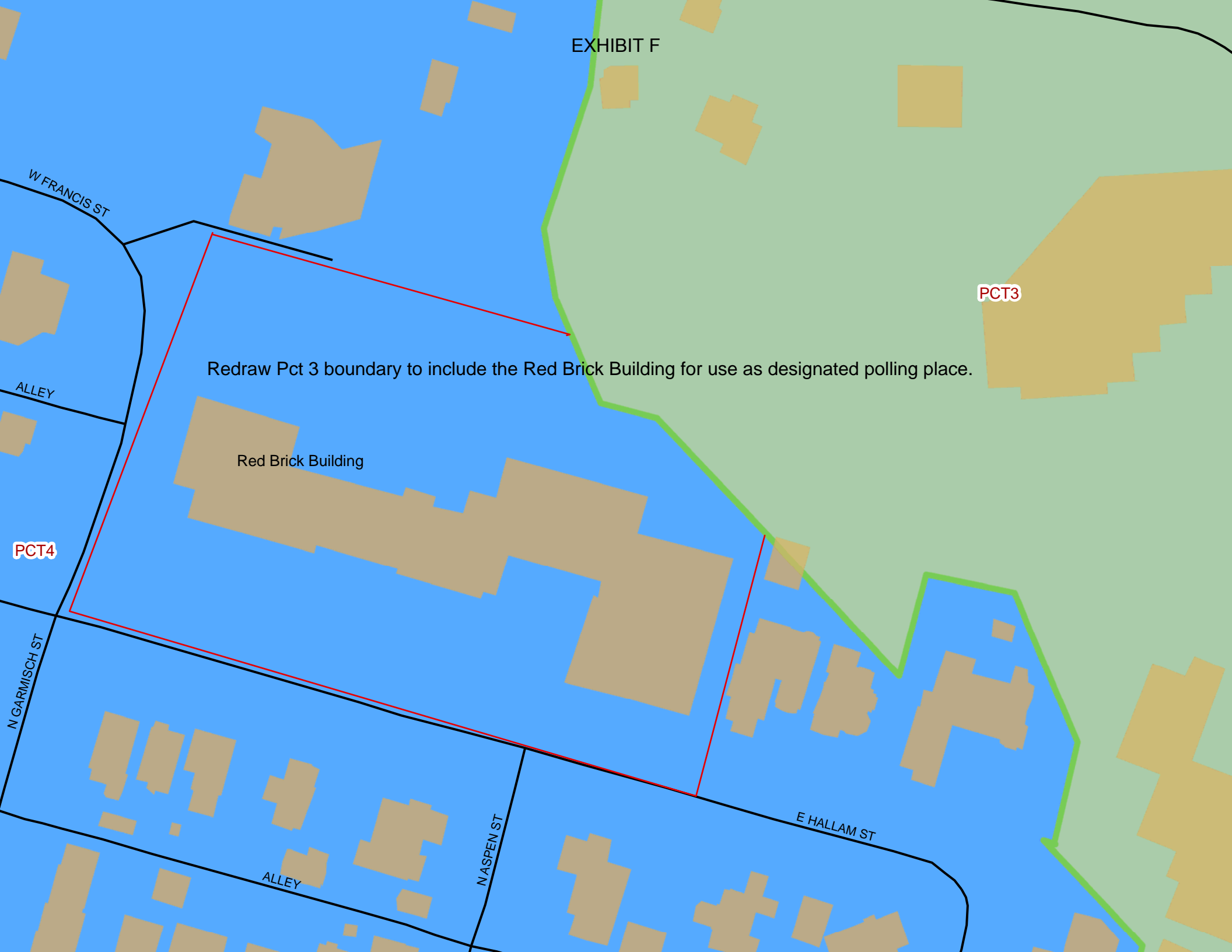


EXHIBIT F

PCT3

Redraw Pct 3 boundary to include the Red Brick Building for use as designated polling place.

Red Brick Building

PCT4

W FRANCIS ST

ALLEY

N GARMISCH ST

ALLEY

N ASPEN ST

E HALLAM ST